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BOOK REVIEWS.

EDWARD N. PERKINS, *Editor-in-Charge.*

CASES ON PERSONS AND DOMESTIC RELATIONS, selected from decisions of English and American Courts, by ALBERT M. KALES. American Case Book Series, James Brown Scott, General Editor. St. Paul: WEST PUBLISHING Co. 1911. pp. xxix, 654.

In the construction of this book Professor Kales has had in mind a theory and an ideal. His theory, he tells us in his frank and interesting preface, he formed after a study of Professor Langdell's case books. His ideal he finds in the case books of Professor Ames, to whom with appreciative words he dedicates his own work.

Briefly stated, Professor Kales' theory is that the more recent case books are a basis for the study of comparative law, rather than the law of any jurisdiction. The ideal case book, as illustrated by those of Professor Ames, should be of moderate size, made up of brief cases selected with reference to the problems presented therein, and accompanied with notes containing illustrative matter and appropriate comment.

The application of this theory, which we believe is sound, would result in the production of a book devoted to the main topics of a subject, with cases presenting problems dealt with by courts of two or more jurisdictions. The actual and the ideal solution of these problems will be the basis for discussion in the classroom. Of course only by use of the book can one say how far Professor Kales has succeeded in applying his theory. There is no doubt that it shows great industry and excellent judgment. The matter assigned to each topic is well proportioned with reference to the whole. Possibly more space should have been given to Adoption, a subject of theoretical and practical importance, presenting problems of difficulty and interest, and deserving more than a brief note.

The notes are ample and seem to be just what notes to a case book ought to be. There is a good subject index, but, best of all, the table of cases includes not merely the titles of cases printed in the book, but also those cited in the notes. This is an improvement over any case book which we have seen, and in this regard makes Professor Kales' book notable. This feature might be made to include cases mentioned in the body of the opinions.

N. A.

CASES ON THE LAW OF SURETYSHIP Selected from Decisions of English and American Courts, by CRAWFORD D. HENING, Professor of Law in the University of Pennsylvania. American Case Book Series, James Brown Scott, General Editor. St. Paul: WEST PUBLISHING Co. 1911. pp. xx, 620.

This is one of the latest of this excellent series of case books the making of which, aside from their intrinsic value, cannot fail to result in great benefit to the teaching force of this country, due to the effort of searching for material and classifying and arranging it. The influence on our law schools from the effort in making these volumes, in the quickening of the intellectual life of a large number of teachers, will be a by-product which though intangible and hard to estimate, must be one of the most valuable effects of their preparation.

This book compares well with its predecessors in the series, but, as is the case with similar books, it is impossible to estimate its true value until after it has been tested in the classroom.

The cases range from those reported in the Year Book of 33 Edw. I (1305) to cases arising in South Africa and in India in recent times. Whether it is wise to omit such cases as *Deering v. The Earl of Winchelsea* and *Batard v. Hawes* may be an open question.

There is a bibliography of treatises on Suretyship and the notes are full, and so far as can be judged from a cursory examination, seem judicious and accurate. It is to be wished that the table of cases had been prepared on the plan of Professor Kales in his *Cases on Persons*.

N. A.

EFFECT OF WAR ON PROPERTY. By ALMA LATIFI, M. A., LL.D. London: MACMILLAN & Co. 1909. pp. xii, 155.

This volume, as the title indicates, relates to the subject of property in its various forms as affected by a state of war; but the author, while not attempting a complete treatment of the subject, has sought to discuss with exceptional fulness certain topics. These topics are the property of enemies and neutrals on land, the effect of conquest on property, the property of enemies and neutrals at sea, the exceptions of the rule of capture of property at sea, and the question of making private property at sea inviolable. Under the last head, he strongly inveighs against the principle of inviolability. Indeed, after quoting Lord Palmerston's declaration in 1862 that Great Britain, if she accepted that principle, "would be guilty of an act of political suicide," the author himself declares that "the change would mark the sunset of England's greatness, and her fall from her high place amongst the nations of the earth." He speaks of the "abolition of privateering" as one of the "triumphs of which European diplomacy may well feel proud." In so saying, he apparently refers to the Declaration of Paris, to which the United States has never adhered. The author adds to his work a valuable note by Westlake on belligerent rights at sea. This note is devoted chiefly to what is termed the "legal fallacy" underlying the argument for the exemption of private property at sea from capture. The discussion, it may be superfluous to point out, runs back to Rousseau's well-known doctrine that war is a relation not of individual to individual but of state to state. This doctrine, because it is the starting point of those who advocate the exemption of private property at sea from capture, is generally rejected by English writers. Curiously enough, on the Continent the doctrine is generally accepted but many of its consequences are still declined, while in England the doctrine is rejected but many of its ameliorating consequences (apart from that of the inviolability of private property at sea) are practically accepted.

J. B. M.

A LAW DICTIONARY. By CAMPBELL BLACK, M. A. Second Edition. St. Paul, Minn. WEST PUBLISHING Co. 1910. pp. VI, 1814.

The most convenient of English-American law dictionaries has been made more convenient than ever in this second edition. Many new titles have been added and many old ones expanded; but this has, by skilful editing and typography, been effected without increase of the bulk of the original work. The careful revision to which the whole